

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**In re VIISAGE TECHNOLOGY, INC.  
SECURITIES LITIGATION**

**Civil Action No. 05-cv-10438-MLW**

**This Pleading Applies to: All Actions**

**PRETRIAL SCHEDULING ORDER**

In accordance with the Court's Order dated February 27, 2007, counsel hereby submit this Revised Proposed Pretrial Schedule.

**I. PLAINTIFFS' MOTION FOR CLASS CERTIFICATION**

The parties propose the following briefing schedule with respect to class certification:

1. Plaintiffs will file and serve their motion for class certification within forty-five (45) days of entry of this Order (the date of entry of this Order shall be referred to herein as the "Discovery Commencement Date.")
2. Class certification discovery may be served immediately following the Discovery Commencement Date and will be completed sixty (60) days after Plaintiffs file their motion for class certification.
3. Defendants will file and serve their opposition brief to class certification thirty (30) days after class certification discovery is completed.
4. Plaintiffs will file and serve a reply brief in support of their motion for class certification thirty (30) days after Defendants file and serve their opposition brief to class certification.

5. Plaintiffs will request oral argument on their motion for class certification.

## **II. DISCOVERY AND PRETRIAL DEADLINES**

The parties propose the following schedule for discovery and retrial deadlines:

### **Rule 26(a) Initial Disclosures**

1. The parties will exchange their initial disclosures required by Rules 26(a)(1) (A), (C) and (D) of the Federal Rules, within fourteen (14) days of the Discovery Commencement Date.

### **Fact Discovery**

2. Document requests may be served at any time immediately following the Discovery Commencement Date, and interrogatories may be served in accordance with Local Rule 33.1 of this Court.

3. The parties shall submit a confidentiality stipulation and order to the Court for its approval or, if they are unable to agree, a motion for the entry of such an order, no later than twenty-one (21) days after the Discovery Commencement Date. Pending the entry of a confidentiality order by the Court, confidential documents shall be produced and treated as confidential information to be used solely for purposes of this litigation.

4. All fact discovery will be completed within nine (9) months after the Discovery Commencement Date (“Fact Discovery Cutoff”).

### **Expert Discovery**

5. Plaintiffs shall serve their expert report(s) in compliance with Fed. R. Civ. P. 26(a)(2)(B) within thirty (30) days following the Fact Discovery Cutoff.

6. Defendants shall serve their expert report(s) in compliance with Fed. R. Civ. P. 26(a)(2)(B) within thirty(30) days following service of Plaintiffs’ expert report(s).

7. Plaintiffs shall serve any rebuttal expert report(s) in compliance with Fed. R. Civ. P. 26(a)(2)(B) within thirty (30) days following service of Defendants' expert report(s).

8. Subsequent to the service of all of the respective expert reports, the parties' experts will be deposed, with Plaintiffs' expert(s) (other than any rebuttal experts) in any given area (*e.g.*, damages) to be deposed before Defendants' expert(s) in that same area.

9. Expert discovery will be completed within sixty (60) days following service of Plaintiffs' rebuttal report(s).

**Joining Additional Parties and Amending the Pleadings**

10. A motion for leave to amend pleadings or to join additional parties may be filed until 30 days after the Fact Discovery Cutoff.

**III. DISPOSITIVE MOTIONS**

1. Any motion for summary judgment will be filed and served no later than thirty (30) days after the completion of expert discovery.

2. Opposition briefs will be filed and served thirty (30) days after service of the opening brief.

3. Reply briefs will be filed and served fifteen (15) days after service of the opposition brief.

Dated: June 18, 2007

/s/ Mark L. Wolf  
MARK L. WOLF  
UNITED STATES DISTRICT JUDGE